

FIFTY NINTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 13, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Sophie O'Neill and Levi Hubbard, presented the Colors. Pastor Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1352,
  - SUBSTITUTE HOUSE BILL NO. 1542,
  - SUBSTITUTE HOUSE BILL NO. 1580,
  - SUBSTITUTE HOUSE BILL NO. 1601,
  - SUBSTITUTE HOUSE BILL NO. 1612,
  - HOUSE BILL NO. 1715,
  - SUBSTITUTE HOUSE BILL NO. 1836,
  - SUBSTITUTE HOUSE BILL NO. 1840,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Nelson moved adoption of the following resolution:

SENATE RESOLUTION  
8629

By Senators Nelson, Rolfes, Frockt, Harper, Darneille, Hargrove, Mullet, Keiser, Shin, McAuliffe, Murray, Hobbs, Conway, Ranker, Chase, Kline, Eide, Kohl-Welles, Cleveland, Schlicher, Fraser, Hasegawa, and Billig

WHEREAS, The Seattle Raging Grannies are deeply concerned about the world we are leaving for our grandchildren; and

WHEREAS, The Raging Grannies mission statement reads as follows: "In the tradition of wise women elders, the mission of the Seattle Raging Grannies is to promote global peace, justice, and social and economic equality by raising public awareness through

the medium of song, humor, and education. Our goal is to challenge our audience to work to bring about the social changes that are required in order to end economic oppression of workers, particularly of women and children, and to end racial inequality, environmental destruction, human rights violations, arms proliferation, and war"; and

WHEREAS, The international Raging Grannies organization began in 1987, and the Seattle Raging Grannies have been raging through singing, protesting, and theater work since 1996; and

WHEREAS, In August 2013, Raging Grannies groups from 27 cities unanimously passed a Resolution regarding climate change because every single one of them feels that climate change is a grave and imminent threat which must be dealt with immediately; and

WHEREAS, The Raging Grannies have a long history of being a leader in green energy and addressing climate change; and

WHEREAS, The Washington State Senate agree with the Seattle Raging Grannies' pursuit to leave a better world to all our grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Seattle Raging Grannies for their work to create a better world for future generations, and encourage support for pursuing policies that support a sustainable economy and a vibrant, democratic, and egalitarian society which places our natural world, on which we all depend, in a central place; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and the Seattle Raging Grannies.

Senator Nelson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

The motion by Senator Nelson carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Seattle Raging Grannies who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Nelson: "I just wanted to let folks know the Raging Grannies are going to be performing over in Senate Hearing Room 2 I believe after they leave the senate so if you want to have some fun and you can leave the floor they will be there. Thank you."

PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President, just wanted to remind the body today is the two year anniversary of my predecessor, Senator Bob McCaslin passing and I know a lot of you were very close. I remember at the services Senator Kline was there and a number of people. Anyway, I think it's important on things like this to celebrate his life and we probably could use some of his jokes around here right now. He is a great guy and I just wanted to call your attention that this is the two year anniversary of his passing. Thank you Mr. President."

MOTION

At 10:14 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:35 a.m. by President Owen.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5806, by Senators Smith, Rolfes, Pearson and Hargrove

Repealing an obsolete provision for a credit against property taxes paid on timber on public land.

The measure was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5806.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5239, by Senators Eide, Benton, King, Hobbs, Mullet and Shin

Addressing project selection by the freight mobility strategic investment board.

#### MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5239 was substituted for Senate Bill No. 5239 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, King and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5239.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5824, by Senators Honeyford, Hatfield, Schoesler and Shin

Regarding the financing of irrigation district improvements.

The measure was read the second time.

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5824.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5015, by Senator Benton

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Including a child fourteen or younger in the aggravated first degree murder provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5015.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Darneille, Fraser, Frockt, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

Absent: Senator Baumgartner

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5484, by Senators Kline, Frockt, Ranker, Rolfes, Padden, Fain and Kohl-Welles

Concerning assault in the third degree occurring in areas used in connection with court proceedings.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following amendment by Senators Kline and Padden be adopted:

On page 3, line 3, after "proceedings." insert "Where a building, or part of a building, is used at certain times for judicial purposes and at other times for other governmental purposes, this section shall apply only during the times when it is being used for judicial purposes."

Senators Kline and Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Padden on page 3, line 3 to Senate Bill No. 5484.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

#### MOTION

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On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5484.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Dammeier, Hasegawa, Holmquist Newbry, Honeyford, Roach and Schoesler

ENGROSSED SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5290, by Senators Delvin, Ericksen, Sheldon, Roach, Becker, Bailey, Rivers, Honeyford, Braun, Carrell, Schoesler, Parlette and Hewitt

Allowing hydroelectric energy generation on irrigation district facilities to qualify for renewable energy credit. Revised for 1st Substitute: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW.

#### MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 3, line 1, after "facility is" strike "located" and insert "(i) Located"

On page 3, line 3, after "impoundments; or" insert "(ii) located in or uses water from a water pipe whose primary purpose is for the conveyance of water for domestic use, provided the water that is used for generation remains in or is diverted back into the water pipe from which it originated and does not otherwise result in new water diversions or impoundments; or"

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW; and reenacting and amending RCW 19.285.030."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senator Ericksen on page 3, line 1 to Substitute Senate Bill No. 5290 was withdrawn.

## MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 3, line 2, after "canals," insert "water pipes whose primary purpose is for conveyance of water for domestic use,"

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 3, line 2 to Substitute Senate Bill No. 5290.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "Relating to" strike all material through "19.285 RCW" on line 4 and insert "designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW"

## MOITON

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Ranker and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5290.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5802, by Senators Ranker, Litzow, Frockt, Cleveland, Billig, Kohl-Welles, Murray and McAuliffe

Developing recommendations to achieve the state's greenhouse gas emissions limits. Revised for 2nd Substitute: Developing recommendations to achieve the state's greenhouse gas emissions targets.

## MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Ranker be adopted:

On page 4, line 29, after "by", strike "July 15", and insert "May 1"

On page 4, line 30, after "first meeting by", strike "August 1" and insert "May 15"

On page 5, after line 8, insert the following:

"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Ranker on page 4, line 29 to Second Substitute Senate Bill No. 5802.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "targets;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

## MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Ranker and Litzow spoke in favor of passage of the bill.

Senator Carrell spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5802.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

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Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Becker, Braun, Brown, Carrell, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Padden, Pearson, Sheldon and Smith

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5458, by Senators Billig, Ranker, Kohl-Welles and Kline

Concerning the labeling of certain asbestos-containing building materials.

## MOTION

On motion of Senator Billig, Substitute Senate Bill No. 5458 was substituted for Senate Bill No. 5458 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Billig moved that the following striking amendment by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** Asbestos is a known human carcinogen that causes painful, premature deaths due to diseases such as asbestosis, mesothelioma, lung and gastrointestinal cancers, and other diseases and cancers. Activities that can lead to the release of asbestos fibers include installation, use, maintenance, repair, removal, and disposal of asbestos-containing building materials.

Many people are unaware that asbestos-containing building materials are still imported, sold, and used in the United States. Because few regulations exist that require the disclosure of asbestos in building materials, people can unknowingly be exposed to asbestos. Asbestos is generally invisible, odorless, very durable, and highly aerodynamic. Exposure can occur well after it has been disturbed and long distances from where the asbestos release occurred.

The purpose of this chapter is to allow people to make informed decisions regarding whether or not they purchase or use building materials containing asbestos. More specifically, building materials that contain asbestos must be clearly labeled as such by manufacturers, wholesalers, and distributors.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Asbestos" includes the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), anthophyllite, and any of these minerals that have been chemically treated or altered. The chemical abstracts service registry number for each is as follows: Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5), tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite (12001-28-4), and anthophyllite (17068-78-9).

(2) "Asbestos-containing building material" means any building material to which asbestos is deliberately added in any concentration or that contains more than one percent asbestos by weight or area as determined using the United States environmental protection agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993.

(3) "Building material" includes materials designed for, or used in, construction, renovation, repair, or maintenance of institutional, commercial, public, industrial, or residential buildings and structures. The term does not include automobiles, recreational vehicles, boats, or other mobile means of transportation.

(4) "Consumer" means any person that acquires a building material for direct use or ownership, rather than for resale or use in production and manufacturing.

(5) "Department" means the department of ecology.

(6) "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(7) "Retailer" means any person that sells goods or commodities directly to consumers.

**NEW SECTION. Sec. 3.** (1) Effective January 1, 2014, it is unlawful to manufacture, wholesale, or distribute for sale an asbestos-containing building material that is not labeled as required by section 4 of this act or as required under federal law, 40 C.F.R. part 763, subpart I, Sec. 173.171 (1994). The labeling requirement also applies to stock-on-hand, meaning any asbestos-containing building material in their possession or control after December 31, 2013, must be labeled. Retailers that do not manufacture, wholesale, or distribute asbestos-containing building materials are exempt from this chapter.

(2)(a) Subsection (1) of this section does not apply to asbestos-containing building materials that have already been installed, applied, or used by the consumer.

(b) Subsection (1) of this section does not apply to asbestos-containing building materials used solely for United States military purposes.

(3) Any manufacturer, wholesaler, or distributor may submit a written request for an exemption from the labeling requirements of this chapter, and the department may grant such an exemption if it determines that the labeling requirements are technically infeasible or create an undue economic hardship. Each exemption is in effect for a period not to exceed three years from the date issued and is subject to the terms and conditions prescribed by the department.

**NEW SECTION. Sec. 4.** (1) A label must be placed in a prominent location adjacent to the product name or description on the exterior of the wrapping and packaging in which the asbestos-containing building material is placed for storage, shipment, and sale.

(2) A label must also be placed on the exterior surface of the asbestos-containing building material itself unless it is sold as a liquid or paste, is sand or gravel, or an exemption is granted pursuant to section 3(3) of this act.

(3) Asbestos-containing building materials must have a legible label that clearly identifies it as containing asbestos. The department may adopt rules regarding the implementation of this chapter. At a minimum, the label must state the following:

### CAUTION!

This product contains ASBESTOS which is known to cause cancer and lung disease. Avoid creating dust. Intentionally removing or tampering with this label is a violation of state law.

(4) It is unlawful for any person to remove, deface, cover, or otherwise obscure or tamper with a label or sticker that has been applied in compliance with this section, unless the asbestos-containing building material is in the possession of the end user.

**NEW SECTION. Sec. 5.** (1) The provisions of this chapter may be enforced by the department, local air authorities, or their designees.

(2) A person found in violation of this chapter is subject to the penalties provided under RCW 70.94.431.

**Sec. 6.** RCW 70.94.431 and 1995 c 403 s 630 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter ((70.94 RCW)), chapter 70.120 RCW, chapter 70.-- RCW (the new chapter created in section 7 of this act), or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW."

Senator Billig spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Billig to Substitute Senate Bill No. 5458.

The motion by Senator Billig carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 70.94.431; adding a new chapter to Title 70 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Billig, the rules were suspended, Engrossed Substitute Senate Bill No. 5458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5458.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5458 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown and Smith

ENGROSSED SUBSTITUTE SENATE BILL NO. 5458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5551, by Senators Conway, Carrell and Shin

Concerning competency to stand trial evaluations.

#### MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5551 was substituted for Senate Bill No. 5551 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

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On page 2, after line 12, insert the following:

**"NEW SECTION. Sec. 2.** Within current resources, the office of the state human resources director shall gather market salary data related to psychologists and psychiatrists employed by the department of social and health services and department of corrections and report to the governor and relevant committees of the legislature by June 30, 2013."

Senators Darneille and Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 2, after line 12 to Substitute Senate Bill No. 5551.

The motion by Senator Darneille carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "10.77 RCW;" insert "creating a new section;"

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5059, by Senators Carrell, Hewitt, Pearson, Roach, Delvin, Benton, Hargrove, Harper and Shin

Concerning the crime of rendering criminal assistance.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Padden spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Hasegawa and Kline

SENATE BILL NO. 5059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. Governor Jay Insee signed a proclamation honoring Washington State Classified School Employees declaring March 11 through March 15 as Classified School Employee Week so, today I would like to recognize these dedicated individuals. They deserve our recognition and thanks for the work they do in our public schools. There are nearly fifty thousand classified school employees in our state and they are crucial partners with teachers, parents and administrators in supporting the learning environment for our children. They are the bus driver, first person to greet our children in the morning and to welcome them to school; they are the staff in our cafeterias, they prepare our students healthy meals with a caring smile and sometimes children end up working in the kitchens and learning how to cook; they are staff in the class rooms assisting and tutoring our students and they give care and concern to assist our special education children with their needs. They are the custodians and they keep our schools clean and orderly. I would like to share with you my son's story. When he was in fourth grade he was struggling with school. He didn't feel like he belonged. He wasn't being very successful academically and a grounds keeper, a classified employee, began exchanging drawings with my son and recognized his talent as an artist and that made my son feel like somebody cared about him at school. So, today I'd like to recognize the contribution our classified employees make and thank them for the outstanding work they do in our schools on behalf of our children. Thank you so much Mr. President."

PERSONAL PRIVILEGE

Senator Shin: "I would like to express my profound thank you to Senator McAuliffe for the job well done especially all the folks and employees working in schools and cafeteria to nursing

and all the things they do. They are doing for the benefit of our children, so, thank you so much. Appreciate it.”

#### MOTION

At 11:56 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 2:18 p.m. by President Owen.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Hill moved that Bruce Reid, Gubernatorial Appointment No. 9063, be confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

Senator Hill spoke in favor of the motion.

#### APPOINTMENT OF BRUCE REID

The President declared the question before the Senate to be the confirmation of Bruce Reid, Gubernatorial Appointment No. 9063, as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Bruce Reid, Gubernatorial Appointment No. 9063, as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Bruce Reid, Gubernatorial Appointment No. 9063, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

#### RULING BY THE PRESIDENT

President Owen: “In ruling on the Point of Order raised by Senator Darneille as to whether SB 5396 amends Initiative 1183 so as to require a 2/3 vote on final passage, the President finds and rules as follows:

Substitute Senate Bill No. 5396 allows certain vendors of alcoholic spirits to provide limited sampling of those spirits. The vendors affected are those participating in the “responsible vendors program.” The responsible vendor program participants must provide ongoing training to employees, accept only certain forms of identification for alcohol sales, adopt policies on alcohol sales and checking identification, post specific signs in the

business, and keep records verifying compliance with the program’s requirements. Two additional factors are most significant: the program itself was created in Initiative 1183, and participants in the program do not have the legal authority to provide spirits sampling without this bill.

Substitute Senate Bill No. 5396 does not directly alter any of the language found in I-1183, and only refers to the initiative’s provisions by reference. However, the President has previously acknowledged that a 2/3 vote may be required even without a direct change to an initiative, and that he will look to the substance of the bill, rather than its form, in determining whether a bill amends an initiative. (SSB 5929, 1999.)

In this instance, although in its form the bill does not directly amend the words found in the initiative, the bill has only one effect: it grants sampling authority to participants in the responsible vendor program, a program that exists only because of the initiative. The inescapable conclusion is that a program established by initiative less than two years ago would be altered by this bill. Had a limited spirits sampling program been established independent of the responsible vendor program, the initiative would not be impacted.

For these reasons, the President finds that SB 5396 would amend Initiative 1183, and will require a two-thirds constitutional supermajority for final passage as required by Article II, Section 1 of the Washington state constitution. Senator Darneille’s point is well-taken.”

The Senate resumed consideration of Substitute Senate Bill No. 5396 which had been deferred the previous day.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5396, by Senate Committee on Commerce & Labor (originally sponsored by Senators Hewitt, Holmquist Newbry, Conway, Kohl-Welles, Hatfield, Hobbs, Schoesler, Delvin and Kline).

Concerning limited on-premise spirits sampling.

The bill was read on Third Reading.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5396.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5396 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Shin, Smith and Tom

Voting nay: Senators Benton, Carrell, Dammeier, Darneille, Hargrove, Hasegawa, Hill, McAuliffe, Nelson, Padden, Parlette, Pearson, Roach and Sheldon

SUBSTITUTE SENATE BILL NO. 5396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

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Senator McAuliffe: "Thank you Mr. President. I would like to tell you why I voted no today. I am enraged, enraged that we have a two-thirds vote for us to sample spirits or for people to sample spirits and we can't get a two-thirds vote to fund education for our children. I'm enraged and I'm sorry to see this happen on the floor of the senate."

## MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5211, by Senators Hobbs, Eide, Kline, Ranker, Hatfield, Harper, Billig, Hasegawa, Kohl-Welles, Shin, Keiser, Frockt, Rolfes, Hill, Conway and Nelson

Concerning social networking accounts and profiles.

## MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5211 was substituted for Senate Bill No. 5211 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5211.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5849, by Senators Tom, Frockt, Keiser, Hatfield and Kline

Concerning electric vehicle charging stations.

## MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5849 was substituted for Senate Bill No. 5849 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Tom be adopted:

On page 1, beginning on line 17, after "of", strike everything through "fifty" on line 18, and insert "one hundred twenty-four"

Senators Mullet and Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Tom on page 1, line 17 to Substitute Senate Bill No. 5849.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Mullet and Ericksen spoke in favor of passage of the bill.

Senators Carrell and Honeyford spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5849.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Hargrove, Hewitt, Honeyford, Padden and Pearson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5666, by Senator Dammeier

Concerning disclosure of information by health care quality improvement programs, quality assurance programs, and peer review committees.

The measure was read the second time.

## MOTION

Senator Dammeier moved that the following striking amendment by Senator Dammeier and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.71.030 and 2012 c 165 s 1 are each amended to read as follows:

(1) If the limitation on damages under RCW 7.71.020 and P.L. 99-660 Sec. 411(1) does not apply, this section shall provide the exclusive (~~remedy~~) remedies in any lawsuit by a health care provider for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020(~~, that is found to be based on matters not related to the competence or professional conduct of a health care provider~~).

(2) (~~Actions~~) Remedies shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs shall be awarded if approved by the court under RCW 7.71.035.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body.

**Sec. 2.** RCW 70.41.200 and 2007 c 273 s 22 and 2007 c 261 s 3 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of (~~the~~) one or more quality improvement committees with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. (~~The~~) Different quality improvement committees may be established as a part of a quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A process, including a medical staff privileges sanction procedure which must be conducted substantially in accordance with medical staff bylaws and applicable rules, regulations, or policies of the medical staff through which credentials, physical and mental capacity, professional conduct including disruptive behavior, and competence in delivering health care services initially and are periodically thereafter reviewed as part of an evaluation of staff privileges. For the purposes of this subsection, disruptive behavior is limited to quality improvement review of professional activities and not employment matters that are normally retained in an employee file;

(c) (~~The~~) A process for the initial and periodic review of the credentials, physical and mental capacity, professional conduct including disruptive behavior, and competence in delivering health care services of all (~~persons~~) other health care providers who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in RCW 43.70.056, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning

individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information

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so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a coordinated quality improvement committee maintained by an ambulatory surgical facility under RCW 70.230.070, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

**Sec. 3.** RCW 70.41.230 and 1994 sp.s. c 9 s 744 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~((If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity as reported in the Washington practitioner

application or successor application or form, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity as reported in the Washington practitioner application or successor application or form in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) The medical quality assurance commission shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that

individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical quality assurance commission and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

**Sec. 4.** RCW 70.230.080 and 2007 c 273 s 9 are each amended to read as follows:

(1) Every ambulatory surgical facility shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ~~((a))~~ one or more quality improvement committees with the responsibility to review the services rendered in the ambulatory surgical facility, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ~~((The))~~ Different quality improvement committees may be established as a part of the quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise the policies and procedures of the ambulatory surgical facility;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the ambulatory surgical facility;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the ambulatory surgical facility's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the ambulatory surgical facility for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual practitioners within the practitioner's personnel or credential file maintained by the ambulatory surgical facility;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and

medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee is not subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence of information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the management of the ambulatory surgical facility, as identified in the facility's application, in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, as appropriate, may review and audit the records of committee decisions in which a practitioner's privileges are terminated or restricted. Each ambulatory surgical facility shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained is not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of an ambulatory surgical facility to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department and any accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of the ambulatory surgical facility. Information so obtained is not subject to the discovery process, and confidentiality shall be

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respected as required by subsection (3) of this section. Each ambulatory surgical facility shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510 or 70.41.200, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents are not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 70.41.200(3), 74.42.640 (7) and (9), and 4.24.250.

(9) An ambulatory surgical facility that participates in a coordinated quality improvement program under RCW 43.70.510 shall be deemed to have met the requirements of this section.

(10) Violation of this section shall not be considered negligence per se.

**Sec. 5.** RCW 70.230.140 and 2007 c 273 s 15 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any practitioner or hiring a practitioner, an ambulatory surgical facility approved pursuant to this chapter shall request from the practitioner and the practitioner shall provide the following information:

(a) The name of any hospital, ambulatory surgical facility, or other facility with or at which the practitioner had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the ambulatory surgical facility may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~((If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity as reported in the Washington practitioner application or successor application or form, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity as reported in the Washington practitioner application or successor application or form in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions,

and any additional information concerning the proceedings or actions as the practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the practitioner deems appropriate;

(e) A waiver by the practitioner of any confidentiality provisions concerning the information required to be provided to ambulatory surgical facilities pursuant to this subsection; and

(f) A verification by the practitioner that the information provided by the practitioner is accurate and complete.

(2) Prior to granting privileges or association to any practitioner or hiring a practitioner, an ambulatory surgical facility approved under this chapter shall request from any hospital or ambulatory surgical facility with or at which the practitioner had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals or ambulatory surgical facilities pursuant to RCW 18.130.070.

(3) The medical quality assurance commission, board of osteopathic medicine and surgery, podiatric medical board, or dental quality assurance commission, as appropriate, shall be advised within thirty days of the name of any practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital, ambulatory surgical facility, or other facility that receives a request for information from another hospital, ambulatory surgical facility, or other facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital, ambulatory surgical facility, or other facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital, ambulatory surgical facility, or facility. A hospital, ambulatory surgical facility, other facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the

reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(6) Ambulatory surgical facilities shall be granted access to information held by the medical quality assurance commission, board of osteopathic medicine and surgery, or podiatric medical board pertinent to decisions of the ambulatory surgical facility regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Dammeier and others to Senate Bill No. 5666.

The motion by Senator Dammeier carried and the striking amendment was adopted by voice vote.

#### MOTION FOR IMMEDIATE RECONSIDERATION

On motion of Senator Dammeier, who had voted on the prevailing side, the vote by which the striking amendment by Senator Dammeier and others to Senate Bill No. 5666 was adopted was immediately reconsidered.

#### MOTION

Senator Padden moved that the following amendment by Senator Padden to the striking amendment be adopted:

On page 1, beginning on line 22 of the amendment, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly

On page 15, beginning on line 4 of the amendment, after "insert" strike the remainder of the title and insert "and amending RCW 7.71.030, 70.41.230, 70.230.080, and 70.230.140.

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Dammeier and Frockt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 1, line 22 to the striking amendment to Senate Bill No. 5666.

The motion by Senator Padden failed and the amendment to the striking amendment was not adopted by voice vote.

Senators Ericksen and Dammeier spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Dammeier and others to Senate Bill No. 5666.

The motion by Senator Dammeier carried and the striking amendment was adopted on reconsideration by a voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "information;" strike the remainder of the title and insert "amending RCW 7.71.030, 70.41.230, 70.230.080, and 70.230.140; and reenacting and amending RCW 70.41.200."

#### MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Senate Bill No. 5666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Keiser and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5666.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5797, by Senators Hobbs and Padden

Encouraging the establishment of effective specialty courts.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5797.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

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SENATE BILL NO. 5811, by Senators Tom, Fain, Hill, Rivers, Baumgartner and Shin

Addressing employee wellness programs.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senator Tom and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st sp.s. c 43 s 445 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and ~~((the dollar amount expended on behalf of each employee for health care benefits))~~ the employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance. The projected health care premium is the weighted average across all health care benefit plans and tiers. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the ~~((dollar amount expended on behalf of each employee for health care benefits))~~ employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the ~~((dollar amount expended on behalf of each employee for health care benefits))~~ employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the ~~((2011-2013))~~ 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding ~~((the dollar amount expended on behalf of each employee for))~~ health care benefits is a separate agreement

and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

**Sec. 2.** RCW 47.64.270 and 2011 c 367 s 713 are each amended to read as follows:

(1) The employer and one coalition of all the exclusive bargaining representatives subject to this chapter and chapter 41.80 RCW shall conduct negotiations regarding the ~~((dollar amount expended on behalf of each employee for health care benefits))~~ employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance.

(2) Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW.

(3) The employer and employee organizations may collectively bargain for insurance plans other than health care benefits, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050.

(4) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) ~~((regarding the dollar amount expended on behalf of each employee))~~ must be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial collective bargaining agreement under this chapter regarding health care benefits.))~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Beginning no later than January 1, 2014, all state employee health care benefit plans under this chapter must be offered in conjunction with an employee wellness program developed pursuant to RCW 41.05.540. The program must include premium reductions, premium increases, or other financial incentives to promote employee achievement of identified wellness targets or goals.

(2) The governor shall appoint an eight member health and wellness advisory committee to consult with and advise the director regarding the employee wellness program. Three members must be representatives of state employee labor organizations, one member must be a nonrepresented state employee, and four members must be representatives of state agencies or higher education institutions. The members shall serve at the pleasure of the governor. The director shall convene the advisory committee

not less than four times a year to discuss the employee wellness program design and experience, and to solicit recommendations from the committee.

(3) For employees covered by collective bargaining agreements for the period of July 1, 2011, through June 30, 2013, the employee wellness program must be offered at the end of the time period established in RCW 41.80.010(7).

**Sec. 4.** RCW 41.05.540 and 2007 c 259 s 40 are each amended to read as follows:

(1) The health care authority, in coordination with the ~~((department of health,))~~ health plans participating in public employees' benefits board programs~~(s))~~ and the ~~((University of Washington's center for health promotion, shall establish))~~ state agencies shall expand and maintain a state employee health and wellness program focused on reducing the health risks and improving the health status of state employees~~(s))~~ and dependents~~(s) and retirees~~) enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.

(2) The state employee health and wellness program shall:

(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education by: building on the success with the worksite wellness demonstrations and expanding the Washington worksite wellness program;

(b) Develop effective communication tools and ongoing training for wellness staff;

(c) ~~((Contract))~~ Complete consolidated contracting with outside vendors for ~~((evaluation of program goals;~~

(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:

(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks~~))~~ worksite wellness activities such as, but not limited to, on-site flu vaccination clinics, mobile mammography, healthy weight control programs, chronic disease management courses, and other evidence-based programs that support employee health and wellness;

(d) Develop and refine common core data elements for health plans and agency worksites to assist with comparable measurement and assessment of outcomes;

(e) Gather and monitor data from agencies on the worksite wellness activities and outcomes including impacts on productivity and employee wellness, and complete an analysis and summary of the outcomes annually;

(f) Coordinate with the public employees benefits board to design a benefit package that more strongly encourages the use of high-value services and member engagement in health assessment and wellness programs. A benefit design must incorporate a financial incentive for completing a health assessment and participating in health activities as an integral structural component in the benefit design rather than as a freestanding assessment tool;

(g) Ensure the design of the health and wellness program and benefit structure complement the development of chronic care management and medical home models consistent with the requirements of RCW 41.05.023 and 41.05.670.

(3) ~~((The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.))~~ To expand the employee health and wellness program and build a strategic link with the benefit design and worksite supports, the health care authority must engage in collaborative discussions with enrollees in the public employees benefits board program, the various employee unions representing employees, and state agencies. Consolidated recommendations from all participants on the benefit design and incentive structure must be shared with the board for consideration."

Senators Tom, Mullet and Keiser spoke in favor of adoption of the striking amendment.

Senators Nelson and Conway spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Tom and others to Substitute Senate Bill No. 5811.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 47.64.270 and 41.05.540; reenacting and amending RCW 41.80.020; and adding a new section to chapter 41.05 RCW."

#### MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5811.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Roach, Rolfes, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

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SENATE BILL NO. 5267, by Senators Becker, Keiser, Conway, Ericksen, Bailey, Dammeier, Frockt and Schlicher

Concerning prior authorization for health care services.  
Revised for 2nd Substitute: Developing standardized prior authorization for medical and pharmacy management.

MOTION

On motion of Senator Becker, Second Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A work group is formed to develop criteria to streamline the prior authorization process for prescription drugs, medical procedures, and medical tests, with the goal of simplification and uniformity.

(2) The work group shall be cochaired by the chair of the senate health care committee and the chair of the house of representatives health care committee, and membership of the work group shall be determined by the cochairs, not to exceed eleven participants.

(3) The work group shall examine elements that may include the following:

(a) National standard transaction information, such as HIPAA 278 standards, for sending or receiving authorizations electronically;

(b) Standard transaction information and uniform prior authorization forms;

(c) Clean, uniform, and readily accessible forms for prior authorization including determining the appropriate number of forms;

(d) A core set of common data requirements for nonclinical information for prior authorization and electronic prescriptions, or both;

(e) The prior authorization process, which considers electronic forms and allows for flexibility for carriers to develop electronic forms; and

(f) Existing prior authorization forms by insurance carriers and by state agencies, in developing the uniform prior authorization forms.

(4) The work group must:

(a) Establish timelines for urgent requests and timeliness for nonurgent requests;

(b) Work on a receipt and missing information time frame;

(c) Determine time limits for a response of acknowledgment of requests or requests of missing information;

(d) Establish when an authorization request will be deemed as granted when there is no response.

(5) The work group must submit their recommendations to the appropriate committees of the legislature by November 15, 2013.

(6) This section expires January 1, 2014."

Senator Becker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Keiser to Second Substitute Senate Bill No. 5267.

The motion by Senator Becker carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5735, by Senators Hargrove, Carrell and Darneille

Concerning registered sex or kidnapping offenders.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5735 was substituted for Senate Bill No. 5735 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Carrell be adopted:

On page 25, line 33, after "9A.44.130" strike all material through "9A.44.132"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Carrell on page 25, line 33 to Substitute Senate Bill No. 5735.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5735.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5417, by Senators Mullet, Fain, Hasegawa and Roach

Concerning the annexation of unincorporated territory within a code city.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Roach and Benton spoke in favor of passage of the bill.

Senators Chase and Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5417.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carrell, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Hargrove,

Harper, Hatfield, Hill, Hobbs, Keiser, Litzow, Mullet, Nelson, Parlette, Pearson, Ranker, Roach, Schoesler, Shin, Smith and Tom

Voting nay: Senators Bailey, Becker, Benton, Brown, Chase, Ericksen, Fraser, Frockt, Hasegawa, Hewitt, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, McAuliffe, Murray, Padden, Rivers, Rolfes, Schlicher and Sheldon

SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5517, by Senate Committee on Commerce & Labor (originally sponsored by Senators Hobbs, Hewitt, Hatfield, Honeyford and Shin)

Changing the criteria for the beer and wine tasting endorsement for grocery stores.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5517 was substituted for Senate Bill No. 5517 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5517.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Dammeier, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Padden, Parlette, Pearson and Roach

SUBSTITUTE SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5338, by Senators Hobbs, Mullet, Fain and Benton

Addressing nonprofit debt adjusters.

#### MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5338 was substituted for Senate Bill No. 5338 and the substitute bill was placed on the second reading and read the second time.

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## MOTION

Senator Nelson moved that the following striking amendment by Senator Nelson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A stakeholder group comprised of a representative of the office of the attorney general along with debt adjuster stakeholders including, but not limited to, for-profit and nonprofit debt adjusters conducting business in the state of Washington, shall convene to discuss the concept of creditor compensation known as "fair share" and whether debt adjusters may receive such compensation, among other related issues. The stakeholder group must provide any legislative proposals to the legislature by December 1, 2013."

Senators Nelson and Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Nelson to Substitute Senate Bill No. 5338.

The motion by Senator Nelson carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "adjusters;" strike the remainder of the title and insert "and creating a new section."

## MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5338.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5338 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5031, by Senator Padden

Requiring actions for damage to real property resulting from construction, alteration, or repair on adjacent property to be

commenced within two years after the property owner first discovered or reasonably should have discovered the damage. Revised for 1st Substitute: Concerning actions for damage to real property resulting from construction, alteration, or repair on adjacent property.

## MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5031 was substituted for Senate Bill No. 5031 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5031.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Conway, Frockt, Hasegawa and Holmquist Newbry

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5381, by Senators Benton and Padden

Concerning cellular telephone use by state employees. Revised for 1st Substitute: Limiting use of cellular devices by state employees.

## MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5381.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Cleveland, Fraser, Keiser and McAuliffe

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5236, by Senators Kline and Padden

Creating the uniform correction or clarification of defamation act.

The measure was read the second time.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 3, line 28 after "statement," strike "and"

On page 3, line 30, after "clarification" insert "; and

(d) Accompanies and is an equally prominent part of any electronic publication of the allegedly defamatory statement by the publisher"

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 28 to Senate Bill No. 5236.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Roach and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5236.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,

Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Billig, Senator Kline was excused.

#### SECOND READING

SENATE BILL NO. 5405, by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt

Concerning extended foster care services.

#### MOTION

On motion of Senator Murray, Second Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Murray moved that the following striking amendment by Senator Murray be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities to increase the impact of state funding through maximizing the amount of federal funding available to promote permanency and positive outcomes for dependent youth.

(2) The legislature also finds that children and adolescents who are legal dependents of Washington state have experienced significant trauma and loss, putting them at increased risk for poor life outcomes. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security and inability to fully take advantage of secondary and postsecondary educational opportunities, untreated mental or behavioral health problems, involvement in the criminal justice and corrections systems, and early parenthood combined with second-generation child welfare involvement.

(3) The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment, employment and earnings, and reduced rates of teen pregnancies.

**Sec. 2.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a

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period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(9) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(10) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(11) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all

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aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(12) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(13) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(14) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(15) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(16) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(17) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(18) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(20) "Medical condition" means, for the purpose of qualifying for extended foster care services, a short-term or long-term physical or mental health condition as verified and documented by a health care provider.

(21) "Nonminor dependent" means any individual age eighteen to twenty-one years for whom there was an open dependency proceeding at the time that he or she reached the age of eighteen years, or who is released from the juvenile rehabilitation administration and had an open dependency proceeding at the time of his or her commitment, and who meets the eligibility requirements for extended foster care services authorized under RCW 74.13.031.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings.

**Sec. 3.** RCW 13.34.145 and 2011 c 330 s 6 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall

submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) Subject to the availability of amounts appropriated for this specific purpose, when the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have

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deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(ii) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

~~((4))~~ (5) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((5))~~ (6) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((6))~~ (7) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((7))~~ (8) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~((8))~~ (9) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should

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be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

~~((9))~~ (10) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection ~~((8))~~ (9) of this section are met.

~~((10))~~ (11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((11))~~ (12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((12))~~ (13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 4.** RCW 13.34.267 and 2012 c 52 s 4 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court shall postpone for six months the dismissal of a dependency proceeding for any ~~(child)~~ youth who is a dependent child in foster care at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

(a) Enrolled in a secondary education program or a secondary education equivalency program; ~~((or))~~

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment;

(d) Engaging in employment for eighty hours or more per month; or

(e) Incapable of engaging in any of the activities described in (a) or (d) of this subsection due to a medical condition that is supported by regularly updated information.

(2)(a) ~~((The six-month postponement under this subsection is intended to allow a reasonable window of opportunity for an eligible youth who reaches the age of eighteen to request extended foster care services from the department or supervising agency. The court shall dismiss the dependency if the youth:~~

(i) Has not requested extended foster care services from the department by the end of the six-month period; or

(ii) Is no longer eligible for extended foster care services under RCW 74.13.031(10) at any point during the six-month period.

(b) Until the youth requests to participate in the extended foster care program, the department is relieved of any supervisory responsibility for the youth.

(3) A youth who participates in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care services for the purpose of participating in a postsecondary academic or postsecondary vocational education program if, at the time the secondary education or equivalency program is completed, the youth has applied to and can demonstrate that he or she intends to timely enroll in a postsecondary academic or vocational education program. The

dependency shall be dismissed if the youth fails to timely enroll or continue in the postsecondary program, or reaches age twenty-one, whichever is earlier.

(4) A youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian shall be dismissed from the dependency proceeding when the youth reaches the age of eighteen years.

(5)) If the court maintains the dependency proceeding of a youth pursuant to subsection (1)(a) or (b) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

(b) If the court maintains the dependency proceeding of a youth pursuant to subsection (1)(c) through (e) of this section, the youth may be eligible to receive extended foster care services pursuant to RCW 74.13.031 to the extent funds are specifically appropriated for this purpose and subject to the youth's continuing eligibility and agreement to participate.

(3) A youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of eighteen.

(4)(a) The court shall dismiss the dependency proceeding for any child who is a dependent child in foster care and who, at the age of eighteen years and six months, does not meet any of the criteria described in subsection (1)(a) or (b) of this section or does not agree to participate in the program.

(b) The court shall also dismiss the dependency proceeding for any child who is a dependent child in foster care and who, at the age of eighteen years and six months, does not meet any of the criteria described in subsection (1)(c) through (e) of this section, does not agree to participate in the program, or if services are not available due to funding not being appropriated specifically for this purpose.

(5) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the needs of the youth participating in extended foster care services.

(6) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section.

(7) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

(9) Upon the request of the youth, or when the youth is no longer eligible to receive extended foster care services according to rules adopted by the department, the court shall dismiss the dependency.

**Sec. 5.** RCW 74.13.020 and 2012 c 205 s 12 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services may include ~~(, but are not limited to,)~~ placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that

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link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(14) "Medical condition" means, for the purpose of qualifying for extended foster care services, a short-term or long-term physical or mental health condition as verified and documented by a health care provider.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years for whom there was an open dependency proceeding at the time that he or she reached the age of eighteen years, or who is released from the juvenile rehabilitation administration and had an open dependency proceeding at the time of his or her commitment, and who meets the eligibility requirements for extended foster care services authorized under RCW 74.13.031.

(16) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings.

**Sec. 6.** RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(15) "Medical condition" means, for the purpose of qualifying for extended foster care services, a short-term or long-term physical or mental health condition as verified and documented by a health care provider.

(16) "Nonminor dependent" means any individual age eighteen to twenty-one years for whom there was an open dependency proceeding at the time that he or she reached the age of eighteen years, or who is released from the juvenile rehabilitation administration and had an open dependency proceeding at the time of his or her commitment, and who meets the eligibility requirements for extended foster care services authorized under RCW 74.13.031.

(17) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings.

**Sec. 7.** RCW 74.13.031 and 2012 c 52 s 2 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event

an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(6) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to purchase care for children.

(9) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program(±); or

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program.

(b) Subject to the availability of amounts appropriated for this specific purpose, the department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Participating in a program or activity designed to promote employment or remove barriers to employment;

(ii) Engaged in employment for eighty hours or more per month; or

(iii) Incapable of engaging in any of the activities described in (a)(i) or (ii) and (b)(i) through (iii) of this subsection due to a medical condition that is supported by regularly updated information.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(11) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (10) of this section.

(12) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the

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child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(13) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(14) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(15) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(16) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(17)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

**Sec. 8.** RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed,

teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty-one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program(;) or

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program.

(b) Subject to the availability of funds appropriated for this specific purpose, the department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Participating in a program or activity designed to promote employment or remove barriers to employment;

(ii) Engaged in employment for eighty hours or more per month; or

(iii) Incapable of engaging in any of the activities described in (a)(i) or (ii) and (b)(i) through (iii) of this subsection due to a medical condition that is supported by regularly updated information.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 9. This act applies prospectively only and not retroactively. It applies to:

(1) Dependency matters that have an open court case on the effective date of this section; and

(2) Dependency matters for which a petition is filed on or after the effective date of this section.

NEW SECTION. Sec. 10. Sections 5 and 7 of this act expire December 1, 2013.

NEW SECTION. Sec. 11. Sections 6 and 8 of this act take effect December 1, 2013."

Senators Murray and Carrell spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Murray to Second Substitute Senate Bill No. 5405.

The motion by Senator Murray carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.145, 13.34.267, 74.13.020, and 74.13.031; reenacting and amending RCW 13.34.030, 74.13.020, and 74.13.031; creating new sections; providing an effective date; and providing an expiration date."

#### MOTION

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On motion of Senator Murray, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5603, by Senators Hatfield, Kohl-Welles, Shin and Ranker

Establishing the Washington coastal marine advisory council.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following amendment by Senators Hatfield and Ericksen be adopted:

On page 3, strike all material from "in" on line 29 through "policies" on line 30

On page 3, line 31, after "management;", strike "fisheries;"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Hatfield spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hatfield and Ericksen on page 3, line 29 to Senate Bill No. 5603.

The motion by Senator Hatfield carried and the amendment was adopted by voice vote.

MOTION

Senator Ranker moved that the following amendment by Senator Ranker and others be adopted:

On page 5, after line 28, insert the following:

**NEW SECTION. Sec. 4.** (1) The Washington marine resources advisory council is created within the office of the governor.

(2) The council shall be composed of:

(a) The governor, or the governor's designee, who shall serve as the chair of the council;

(b) The commissioner of public lands, or the commissioner's designee;

(c) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses in the senate;

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives, one from each of the two largest caucuses in the house of representatives;

(e) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering the outer coast, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(f) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering Puget Sound, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(g) One representative of each of the following sectors, appointed by the governor;

(i) Commercial fishing;

(ii) Recreational fishing;

(iii) Marine recreation and tourism, other than fishing;

(iv) Coastal shellfish growers;

(v) Puget Sound shellfish growers;

(vi) Marine businesses; and

(vii) Conservation organizations;

(h) The chair of the Washington state conservation commission, or the chair's designee;

(i) One representative appointed by the largest statewide general agricultural association;

(j) One representative appointed by the largest statewide business association;

(k) The chair of the Washington coastal marine advisory council;

(l) The chair of the leadership council of the Puget Sound partnership;

(m) The director of the department of ecology;

(n) The director of the department of fish and wildlife; and

(o) The chair of the Northwest Straits commission.

(3) The governor shall invite the participation of the following entities as nonvoting members:

(a) The national oceanic and atmospheric administration; and

(b) Academic institutions conducting scientific research on ocean acidification.

(4) The governor shall make the initial appointments of the members under subsection (2)(g) of this section by September 1, 2013. The initial members appointed under subsection (2)(g) of this section must be appointed as follows:

(a) Two of the members must be appointed for a term of two years;

(b) Two of the members must be appointed for a term of three years; and

(c) Three of the members must be appointed for a term of four years.

(5) With the exception of the terms of the initial members, each member must be appointed for terms of four years, except that a person chosen to fill a vacancy must be appointed only for the unexpired term of the vacant position.

(6) Any member appointed by the governor may be removed by the governor for cause.

(7) Members whose terms expire continue to serve until reappointed or replaced by a new member.

(8) A majority of the voting members of the council constitutes a quorum for the transaction of business.

(9) The chair of the council shall schedule meetings and establish the agenda. The first meeting of the council must be scheduled by November 1, 2013. The council shall meet at least twice per calendar year. At each meeting the council shall afford an opportunity to the public to comment upon agenda items and other matters relating to the protection and conservation of the state's ocean resources.

(10) The council shall have the following powers and duties:

(a) To maintain a sustainable coordinated focus, including the involvement of and the collaboration among all levels of government and nongovernmental entities, the private sector, and citizens by increasing the state's ability to work to address impacts of ocean acidification;

(b) To advise and work with the University of Washington and others to conduct ongoing technical analysis on the effects and sources of ocean acidification. The recommendations must identify a range of actions necessary to implement the recommendations, and take into consideration the differences between instate impacts and sources and out of state impacts and sources.

(c) To deliver recommendations to the Governor and appropriate committees in the Washington state Senate and House of Representatives that must include, as necessary, any minority reports requested by a council member;

(d) To seek public and private funding resources necessary, and the commitment of other resources, for ongoing technical analysis to support the council's recommendations; and

(e) To assist in conducting public education activities regarding the impacts of and contributions to ocean acidification, and regarding implementation strategies to support the actions adopted by the Legislature.

On page 1, line 2 of the title, after "council" insert ", and the Washington marine resources advisory council"

On page 1, line 2 after "43.372.070;" strike "and"

On page 1, line 3 of the title, after "RCW" insert "; and creating a new section"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senator Ranker and others on page 5, line 28 to Senate Bill No. 5603 was withdrawn.

#### MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Ranker be adopted:

On page 5, after line 28, insert the following:

**"NEW SECTION. Sec. 4.** (1) The Washington marine resources advisory council is created within the office of the governor.

(2) The Washington marine resources advisory council is composed of:

(a) The governor, or the governor's designee, who shall serve as the chair of the council;

(b) The commissioner of public lands, or the commissioner's designee;

(c) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses in the senate;

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives, one from each of the two largest caucuses in the house of representatives;

(e) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering the outer coast, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(f) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering Puget Sound, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(g) One representative of each of the following sectors, appointed by the governor:

(i) Commercial fishing;

(ii) Recreational fishing;

(iii) Marine recreation and tourism, other than fishing;

(iv) Coastal shellfish growers;

(v) Puget Sound shellfish growers;

(vi) Marine businesses; and

(vii) Conservation organizations;

(h) The chair of the Washington state conservation commission, or the chair's designee;

(i) One representative appointed by the largest statewide general agricultural association;

(j) One representative appointed by the largest statewide business association;

(k) The chair of the Washington coastal marine advisory council;

(l) The chair of the leadership council of the Puget Sound partnership;

(m) The director of the department of ecology;

(n) The director of the department of fish and wildlife; and

(o) The chair of the Northwest Straits commission.

(3) The governor shall invite the participation of the following entities as nonvoting members:

(a) The national oceanic and atmospheric administration; and

(b) Academic institutions conducting scientific research on ocean acidification.

(4) The governor shall make the appointments of the members under subsection (2)(g) of this section by September 1, 2013.

(5) Any member appointed by the governor may be removed by the governor for cause.

(6) A majority of the voting members of the Washington marine resources advisory council constitute a quorum for the transaction of business.

(7) The chair of the Washington marine resources advisory council shall schedule meetings and establish the agenda. The first meeting of the council must be scheduled by November 1, 2013. The council shall meet at least twice per calendar year. At each meeting the council shall afford an opportunity to the public to comment upon agenda items and other matters relating to the protection and conservation of the state's ocean resources.

(8) The Washington marine resources advisory council shall have the following powers and duties:

(a) To maintain a sustainable coordinated focus, including the involvement of and the collaboration among all levels of government and nongovernmental entities, the private sector, and citizens by increasing the state's ability to work to address impacts of ocean acidification;

(b) To advise and work with the University of Washington and others to conduct ongoing technical analysis on the effects and sources of ocean acidification. The recommendations must identify a range of actions necessary to implement the recommendations and take into consideration the differences between instate impacts and sources and out-of-state impacts and sources;

(c) To deliver recommendations to the governor and appropriate committees in the Washington state senate and house of representatives that must include, as necessary, any minority reports requested by a councilmember;

(d) To seek public and private funding resources necessary, and the commitment of other resources, for ongoing technical analysis to support the council's recommendations; and

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(e) To assist in conducting public education activities regarding the impacts of and contributions to ocean acidification and regarding implementation strategies to support the actions adopted by the legislature.

(9) This section expires June 30, 2017."

Senators Ericksen and Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Ranker on page 5, after line 28 to Senate Bill No. 5603.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "council" strike the remainder of the title and insert "and the Washington marine resources advisory council; amending RCW 43.372.070; adding new sections to chapter 43.143 RCW; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 5603 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5603.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5603 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Braun, Brown, Hewitt, Holmquist Newbry, Honeyford, Padden, Rivers and Smith

ENGROSSED SENATE BILL NO. 5603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5456, by Senators Schlicher, Becker, Keiser, Bailey, Frockt, Cleveland, Hargrove, Darneille and McAuliffe

Concerning detentions under the involuntary treatment act.

#### MOTIONS

On motion of Senator Schlicher, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schlicher, the rules were suspended, Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schlicher spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5456.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5595, by Senators Billig, Litzow, Darneille, Fain, Hargrove, McAuliffe, Harper, Nelson, Hobbs, Mullet, Frockt, Cleveland, Rolfes, Kohl-Welles, Shin, Kline and Conway

Concerning child care reform.

#### MOTIONS

On motion of Senator Billig, Second Substitute Senate Bill No. 5595 was substituted for Senate Bill No. 5595 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Second Substitute Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5595.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Braun and Padden  
 SECOND SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5658, by Senators Ericksen, McAuliffe and Hobbs

Concerning mercury-containing lights.

The measure was read the second time.

#### WITHDRAWAL OF AMENDMENTS

On motion of Senator Chase, the amendments by Senator Chase on page 5, line 34 and on page 8, line 18 to Senate Bill No. 5658 were withdrawn.

#### MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 5658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.  
 Senator Cleveland spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5658.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5658 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Harper, Hatfield, Hewitt, Hobbs, Honeyford, King, McAuliffe, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hill, Holmquist Newbry, Keiser, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SENATE BILL NO. 5658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5834, by Senators Roach, Holmquist Newbry, Conway and McAuliffe

Concerning veteran-owned businesses.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5834 was substituted for Senate Bill No. 5834 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5834 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5834.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5195 was the special order of business at 4:59 p.m.

#### SECOND READING

SENATE BILL NO. 5202, by Senators Chase, Kohl-Welles, Conway, Shin, Nelson, Darneille, Frockt, McAuliffe, Keiser, Kline, Harper and Rolfes

Creating the companion animal safety, population control, and spay/neuter assistance program.

#### MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Chase moved that the following amendment by Senator Chase be adopted:

On page 9, beginning on line 9, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, beginning on line 16, after "All" strike all material through "act," on line 17

On page 9, line 18, after "act" strike ","

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Chase, the amendment by Senator Chase on page 9, line 9 to Substitute Senate Bill No. 5202 was withdrawn.

#### MOTION

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On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5202.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Billig, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher, Shin and Tom

Voting nay: Senators Bailey, Baumgartner, Becker, Braun, Brown, Carrell, Dammeier, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Smith

SUBSTITUTE SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

“Concerning Substitute Senate Bill No. 5202: At the very last minute Senator Chase withdrew her amendment that would have removed the fee in this bill. When I voted yes on final passage of the bill I was unaware that the amendment had been withdrawn and not adopted. Had I known the fee had not been removed I would have voted no on the bill. in fact I tried to change my vote to ‘No’ but the roll call had been closed seconds earlier.”

SENATOR BENTON, 17th Legislative District

#### SECOND READING

SENATE BILL NO. 5193, by Senators Smith, Roach, Honeyford and Delvin

Concerning large wild carnivore conflict management.

#### MOTION

On motion of Senator Smith, Second Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Smith be adopted:

On page 2, beginning on line 1, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Smith on page 2, line 1 to Second Substitute Senate Bill No. 5193.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" strike "77.08.030,"

#### MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Rolfes be adopted:

On page 4, line 32, after "satisfied" insert ";

(iii) The livestock owner making a claim under this section for livestock that has been killed or injured by a wolf had a cooperative agreement in effect with the department at the time of the incident that included, at minimum, nonlethal wolf management measures to be taken by the owner and information, assistance, or cost-sharing measures to be provided by the department"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

#### SPECIAL ORDER OF BUSINESS

The hour fixed for the consideration of the special order of business having arrived, the President called the Senate to order. The Senate immediately considered Substitute Senate Bill No. 5195.

#### RULING BY THE PRESIDENT

President Owen: “In ruling on the Point of Order raised by Senator Bailey as to whether Amendment 189 fits within the scope and object of Substitute Senate Bill 5195, the President finds and rules as follows.

In general, a bill with a single subject can be challenging to amend without raising issues of scope and object, particularly when the amendment raises issues of controversy. The underlying bill expands the use of the state needs grant by allowing students who are currently eligible for the grant to use it if enrolled at Western Governors University – Washington. Currently, those students may be eligible for the state need grant, but may not use it at their institution, because the institution does not meet the statutory criteria. The underlying bill does not alter the eligibility standards of students.

Simply put, the bill determines the institutions at which eligible students may use the grant; the amendment changes the eligibility standards for all students regardless of the institution they attend.

For these reasons, the President finds that Amendment 189 is beyond the scope and object of the underlying bill, and Senator Bailey’s point is well-taken.”

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Hill, Tom, Bailey and Fain)

Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program.

The measure was read the second time.

## MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Frockt, Murray and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5195.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Hasegawa and Schoesler

SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate continued consideration of Second Substitute Senate Bill No. 5193 which had been under consideration earlier in the day.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senators Ranker and Rolfes on page 4, line 32 to Second Substitute Senate Bill No. 5193 was withdrawn.

## MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:

Beginning on page 6, line 31, strike all of sections 8, 9, and 10

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 77.08.030, 77.36.100, and 77.36.130; reenacting and amending RCW 77.36.010; adding new sections to chapter 77.36 RCW; and creating a new section."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes, the amendment by Senator Rolfes on page 6, line 31 to Second Substitute Senate Bill No. 5193 was withdrawn.

## MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs and Smith be adopted:

On page 1, line 1 of the title, after "Relating to" strike "large wild carnivore conflict management" and insert "gray wolf conflict management"

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Smith on page 1, line 1 to Second Substitute Senate Bill No. 5193.

The motion by Senator Hobbs carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith, Rolfes and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5193.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Shin and Smith

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Fain, Fraser, Frockt, Harper, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Ranker, Rolfes, Schlicher and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5869 by Senators Benton, Bailey, Braun, Padden, Becker, Rivers, Holmquist Newbry, Brown, Carrell, Hewitt and Honeyford

AN ACT Relating to expiration of enactments of the legislature with fiscal impacts; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1000 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Morrell, Wylie, McCoy, Ryu, Reykdal, Seaquist, Moscoso, Appleton, Green, Cody, Ormsby and Jinkins)

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AN ACT Relating to immunity for health care providers following directions contained in a form developed pursuant to RCW 43.70.480; and amending RCW 43.70.480.

Referred to Committee on Law & Justice.

HB 1108 by Representatives Goodman, Jinkins, Wylie, Pedersen, Green, Roberts, Pettigrew, Maxwell, Orwall, Appleton, Ryu, Morrell and Bergquist

AN ACT Relating to rape in the third degree and indecent liberties; and amending RCW 9A.44.060 and 9A.44.100.

Referred to Committee on Law & Justice.

E2SHB 1114 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Morrell, Nealey, Green and Jinkins)

AN ACT Relating to criminal incompetency, civil commitment, and commitments based on criminal insanity; amending RCW 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.425, and 10.77.200; and creating new sections.

Referred to Committee on Ways & Means.

HB 1182 by Representatives Harris, Cody, Vick, Nealey, Ryu and Jinkins

AN ACT Relating to including pharmacists in the legend drug act; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health Care.

ESHB 1381 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Jinkins, Hunt, Wylie, Morrell, Cody, Green, Roberts, Clibborn, Ormsby, Reykdal and Ryu)

AN ACT Relating to administrative adjudicatory proceedings coming before the department of health; amending RCW 18.130.050, 18.130.095, 34.05.425, and 34.12.040; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

ESHB 1383 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Fey, Kirby, Orwall, O'Ban, Roberts, Jinkins, Hope, Angel, Smith, Dahlquist, Wilcox and Kristiansen)

AN ACT Relating to protection orders for stalking and harassment; amending RCW 9.41.800, 9.94A.535, 9A.46.040, 9A.46.110, 10.14.070, and 10.31.100; reenacting and amending RCW 26.50.110; adding new sections to chapter 10.14 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

ESHB 1399 by House Committee on Public Safety (originally sponsored by Representatives Stanford, Tharinger, Moscoso, Takko, Appleton, Bergquist, Lias and Reykdal)

AN ACT Relating to giving general law enforcement authority to natural resource investigators; amending RCW 10.93.020, 10.93.140, 43.12.065, 43.101.010, and 41.26.030; and adding a new section to chapter 43.12 RCW.

Referred to Committee on Law & Justice.

SHB 1422 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Condotta and Hurst)

AN ACT Relating to the beer and wine tasting endorsement for grocery stores; and amending RCW 66.24.363.

Referred to Committee on Commerce & Labor.

SHB 1435 by House Committee on Judiciary (originally sponsored by Representatives Goodman and Nealey)

AN ACT Relating to clarifying agency relationships in reconveyances of deeds of trust; and amending RCW 61.24.110.

Referred to Committee on Financial Institutions, Housing & Insurance.

E2SHB 1445 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Green, Jinkins and Morrell)

AN ACT Relating to complex rehabilitation technology products; adding a new section to chapter 74.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1471 by Representatives Riccelli, Schmick, Cody, Clibborn, Ross, Short, Rodne, Green, Angel and Morrell

AN ACT Relating to updating and aligning with federal requirements hospital health care-associated infection rate reporting; amending RCW 43.70.056 and 43.70.056; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1499 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Jinkins, Harris, Cody, Fitzgibbon, Ryu, Roberts, Fey and Pollet)

AN ACT Relating to the program of all-inclusive care for the elderly; and amending RCW 74.09.523.

Referred to Committee on Health Care.

ESHB 1515 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Green, Morrell and Ryu)

AN ACT Relating to medical assistants; amending RCW 18.360.005, 18.360.040, 18.360.050, 18.360.060, and 18.360.080; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

2SHB 1518 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Schmick, Ryu and Pollet)

AN ACT Relating to providing certain disciplining authorities with additional authority over budget development, spending, and staffing; amending RCW 18.25.210, 18.71.430, 18.79.390, and 43.70.240; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.79 RCW; repealing RCW 18.71.0191 and 18.79.130; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

ESHB 1519 by House Committee on Appropriations (originally sponsored by Representatives Cody, Green, Jinkins, Ryu and Pollet)

AN ACT Relating to establishing accountability measures for service coordination organizations; amending RCW 70.96A.320, 71.24.330, and 74.39A.090; adding a new section to chapter 74.09 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Ways & Means.

E2SHB 1522 by House Committee on Appropriations (originally sponsored by Representatives Green, Ryu and Morrell)

AN ACT Relating to improving behavioral health services provided to adults in Washington state by defining outcomes for adult behavioral health services, increasing use of evidence-based, research-based, and promising practices for the provision of adult behavioral health services, implementing a strategy for the improvement of the adult behavioral health system, reviewing the provision of forensic mental health services, procuring enhanced services facility services, and requiring timely hospital discharge under the involuntary treatment act when a person no longer requires active psychiatric treatment in a hospital; amending RCW 71.24.025 and 18.19.210; adding new sections to chapter 43.20A RCW; adding a new section to chapter 70.97 RCW; adding a new section to chapter 71.05 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 1527 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Appleton, Green and Johnson)

AN ACT Relating to services for people with developmental disabilities; adding new sections to chapter 71A.20 RCW; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 1531 by Representatives Hayes, Goodman, Klippert, Hope, Ryu, Holy and Moscoso

AN ACT Relating to criminal history record information compliance audits; and amending RCW 10.98.100.

Referred to Committee on Human Services & Corrections.

HB 1534 by Representatives Riccelli, Harris, Ryu and Jinkins

AN ACT Relating to the license surcharge for the impaired dentist program; and amending RCW 18.32.534.

Referred to Committee on Health Care.

HB 1565 by Representatives Harris, Green, Jinkins, Cody, Ryu and Morrell

AN ACT Relating to funding the prescription monitoring program from the medicaid fraud penalty account; amending RCW 70.225.020 and 74.09.215; and creating a new section.

Referred to Committee on Health Care.

SHB 1613 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Hudgins, Parker, Maxwell, Hayes, Moscoso, Ryu and Stanford)

AN ACT Relating to the criminal justice training commission firing range maintenance account; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

2SHB 1627 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Nealey, Zeiger, Jinkins and Ryu)

AN ACT Relating to competency to stand trial evaluations; adding a new section to chapter 10.77 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 1679 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins and Ryu)

AN ACT Relating to disclosure of health care information; amending RCW 70.02.010, 70.02.020, 70.02.050, 70.02.900, 71.05.660, 71.05.680, 71.05.620, 71.24.035, 43.185C.030, 70.05.070, 70.24.450, 74.13.280, 74.13.289, 71.05.425, 71.05.445, 72.09.585, and 9.94A.500; adding new sections to chapter 70.02 RCW; repealing RCW 70.24.105, 71.05.390, 71.05.640, 71.05.385, 71.05.420, 71.05.440, 71.05.427, 71.05.630, 71.05.690, 71.34.340, 71.34.345, and 71.34.350; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

E2SHB 1727 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Green, Walsh, Ryu, Appleton, Tharinger and Pollet)

AN ACT Relating to raising licensure limits to allow assisted living facilities to serve a higher acuity resident population; amending RCW 18.20.330, 18.20.160, 18.20.030, and

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18.20.090; reenacting and amending RCW 18.20.020; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Ways & Means.

SHB 1737 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Manweller, Clibborn and Moeller)

AN ACT Relating to supervision of physician assistants; amending RCW 18.57A.030, 18.57A.040, 18.57A.080, and 18.71A.030; reenacting and amending RCW 18.71A.040; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating new sections.

Referred to Committee on Health Care.

ESHB 1753 by House Committee on Government Operations & Elections (originally sponsored by Representatives Jinkins, Hunt, Cody, Goodman, Freeman, Stanford, Fitzgibbon, Bergquist, Sawyer, Green, Ryu, Hope, Moscoso, Liias, Haler, Hudgins, Sullivan, Appleton and Pollet)

AN ACT Relating to interpreter services; amending RCW 41.56.030 and 41.56.510; adding new sections to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

ESHB 1773 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Rodne, Cody, Green, Ryu, Liias, Farrell and Santos)

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.065 and 18.50.102.

Referred to Committee on Health Care.

ESHB 1774 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Haler, Roberts, Farrell, Kagi, Stanford, Stonier, Bergquist, Ryu, O'Ban, Morrell, Fey, Pollet and Santos)

AN ACT Relating to measuring performance and performance-based contracting of the child welfare system; amending RCW 74.13B.020 and 74.13.360; adding a new section to chapter 74.13 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

2SHB 1777 by House Committee on Appropriations (originally sponsored by Representatives Green, Reykdal, Ryu, Morrell, Roberts, Fey, Pollet and McCoy)

AN ACT Relating to accelerating expansion of mental health involuntary commitment laws; amending 2011 2nd sp.s. c 6 ss 1 and 3 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1795 by Representatives Jinkins, Schmick, Morrell, Harris, Green, Hope, Pollet and Bergquist

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AN ACT Relating to containing the scope and costs of the diabetes epidemic in Washington; and adding a new chapter to Title 70 RCW.

Referred to Committee on Ways & Means.

HB 1800 by Representatives Cody, Morrell and Schmick

AN ACT Relating to compounding of medications; amending RCW 18.64.270; reenacting and amending RCW 18.64.011; and declaring an emergency.

Referred to Committee on Health Care.

E2SHB 1828 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Springer, Wilcox, Takko, Chandler, Hunter, Condotta, Nealey, Fey and Tharinger)

AN ACT Relating to the fiscal conditions of local government; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

ESHB 1846 by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick, Cody and Ryu)

AN ACT Relating to stand-alone dental coverage; and amending RCW 48.43.715, 48.46.243, 48.14.0201, and 48.14.020.

Referred to Committee on Ways & Means.

EHB 1887 by Representatives Sawyer, Ryu, Green and Freeman

AN ACT Relating to increasing educational options under vocational rehabilitation plans; and amending RCW 51.32.099.

Referred to Committee on Commerce & Labor.

ESHB 1947 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hunter, Jinkins and Harris)

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by providing a financing mechanism sufficient to defray the exchange's operating expenses; amending RCW 43.71.010, 43.71.060, and 48.14.0201; adding a new section to chapter 43.71 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1527 which was referred to the Committee on Health Care.

MOTION

HUNTER GOODMAN, Secretary of the Senate

At 5:16 p.m., on motion of Senator Fain, the Senate adjourned until 12:15 p.m. Thursday, March 14, 2013.

BRAD OWEN, President of the Senate



1000-S	Introduction & 1 <sup>st</sup> Reading .....	34	Introduction & 1 <sup>st</sup> Reading.....	37	
1108	Introduction & 1 <sup>st</sup> Reading .....	35	1774-S	Introduction & 1 <sup>st</sup> Reading.....	37
1114-S2	Introduction & 1 <sup>st</sup> Reading .....	35	1777-S2	Introduction & 1 <sup>st</sup> Reading.....	37
1182	Introduction & 1 <sup>st</sup> Reading .....	35	1795	Introduction & 1 <sup>st</sup> Reading.....	37
1352-S	Messages .....	1	1800	Introduction & 1 <sup>st</sup> Reading.....	37
1381-S	Introduction & 1 <sup>st</sup> Reading .....	35	1828-S2	Introduction & 1 <sup>st</sup> Reading.....	37
1383-S	Introduction & 1 <sup>st</sup> Reading .....	35	1836-S	Messages.....	1
1399-S	Introduction & 1 <sup>st</sup> Reading .....	35	1840-S	Messages.....	1
1422-S	Introduction & 1 <sup>st</sup> Reading .....	35	1846-S	Introduction & 1 <sup>st</sup> Reading.....	37
1435-S	Introduction & 1 <sup>st</sup> Reading .....	35	1887	Introduction & 1 <sup>st</sup> Reading.....	37
1445-S2	Introduction & 1 <sup>st</sup> Reading .....	35	1947-S	Introduction & 1 <sup>st</sup> Reading.....	37
1471	Introduction & 1 <sup>st</sup> Reading .....	35	5015	Second Reading .....	2
1499-S	Introduction & 1 <sup>st</sup> Reading .....	35		Third Reading Final Passage.....	3
1515-S	Introduction & 1 <sup>st</sup> Reading .....	35	5031	Second Reading .....	19
1518-S2	Introduction & 1 <sup>st</sup> Reading .....	36	5031-S	Second Reading .....	19
1519-S	Introduction & 1 <sup>st</sup> Reading .....	36		Third Reading Final Passage.....	19
1522-S2	Introduction & 1 <sup>st</sup> Reading .....	36	5059	Second Reading .....	7
1527-S	Introduction & 1 <sup>st</sup> Reading .....	36		Third Reading Final Passage.....	7
	Other Action.....	37	5193	Second Reading .....	33
1531	Introduction & 1 <sup>st</sup> Reading .....	36	5193-S2	Other Action .....	34
1534	Introduction & 1 <sup>st</sup> Reading .....	36		Second Reading .....	33, 34
1542-S	Messages .....	1		Third Reading Final Passage.....	34
1565	Introduction & 1 <sup>st</sup> Reading .....	36	5195-S	Second Reading .....	33
1580-S	Messages .....	1		Third Reading Final Passage.....	34
1601-S	Messages .....	1	5202	Second Reading .....	32
1612-S	Messages .....	1	5202-S	Other Action .....	32
1613-S	Introduction & 1 <sup>st</sup> Reading .....	36		Second Reading .....	32
1627-S2	Introduction & 1 <sup>st</sup> Reading .....	36		Third Reading Final Passage.....	33
1679-S	Introduction & 1 <sup>st</sup> Reading .....	36	5211	Second Reading .....	9
1715	Messages .....	1	5211-S	Second Reading .....	9
1727-S2	Introduction & 1 <sup>st</sup> Reading .....	36		Third Reading Final Passage.....	9
1737-S	Introduction & 1 <sup>st</sup> Reading .....	37	5236	Second Reading .....	20
1753-S	Introduction & 1 <sup>st</sup> Reading .....	37		Third Reading Final Passage.....	20
1773-S	Introduction & 1 <sup>st</sup> Reading .....	37	5239	Second Reading .....	2
			5239-S	Second Reading .....	2
				Third Reading Final Passage.....	2
			5267	Second Reading .....	17
			5267-S2	Other Action .....	17
				Second Reading .....	17
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5290	Second Reading.....	3	Third Reading Final Passage.....	31	
5290-S	Other Action.....	4	5658	Other Action.....	32
	Second Reading.....	3, 4		Second Reading.....	32
	Third Reading Final Passage.....	4		Third Reading Final Passage.....	32
5338			5666	Other Action.....	14
	Second Reading.....	18		Second Reading.....	9, 14
5338-S				Third Reading Final Passage.....	14
	Other Action.....	19	5735		
	Second Reading.....	18, 19		Second Reading.....	17
	Third Reading Final Passage.....	19	5735-S		
5381				Second Reading.....	17
	Second Reading.....	19		Third Reading Final Passage.....	18
5381-S			5797		
	Second Reading.....	19		Second Reading.....	14
	Third Reading Final Passage.....	20		Third Reading Final Passage.....	14
5396-S			5802		
	Third Reading.....	8		Second Reading.....	4
	Third Reading Final Passage.....	8	5802-S2		
5405				Second Reading.....	4
	Second Reading.....	20		Third Reading Final Passage.....	5
5405-S2			5806		
	Other Action.....	28		Second Reading.....	2
	Second Reading.....	20		Third Reading Final Passage.....	2
	Third Reading Final Passage.....	29	5811		
5417				Second Reading.....	15
	Second Reading.....	18	5811-S		
	Third Reading Final Passage.....	18		Other Action.....	16
5456				Second Reading.....	15
	Second Reading.....	31		Third Reading Final Passage.....	16
5456-S			5824		
	Second Reading.....	31		Second Reading.....	2
	Third Reading Final Passage.....	31		Third Reading Final Passage.....	2
5458			5834		
	Second Reading.....	5		Second Reading.....	32
5458-S			5834-S		
	Other Action.....	6		Second Reading.....	32
	Second Reading.....	5		Third Reading Final Passage.....	32
	Third Reading Final Passage.....	6	5849		
5484				Second Reading.....	9
	Second Reading.....	3	5849-S		
	Third Reading Final Passage.....	3		Second Reading.....	9
5517				Third Reading Final Passage.....	9
	Second Reading.....	18	5869		
5517-S				Introduction & 1 <sup>st</sup> Reading.....	34
	Second Reading.....	18	8629		
	Third Reading Final Passage.....	18		Adopted.....	1
5551				Introduced.....	1
	Second Reading.....	6	9063 Bruce Reid		
5551-S				Confirmed.....	8
	Second Reading.....	6	PRESIDENT OF THE SENATE		
	Third Reading Final Passage.....	7		Intro. Special Guests, Seattle Raging Grannies.....	1
5595				Ruling by the President SSB 5396.....	8
	Second Reading.....	31		Ruling by the President, SSB 5195.....	33
5595-S2			WASHINGTON STATE SENATE		
	Second Reading.....	31		Personal Privilege, Senator McAuliffe.....	7, 9
	Third Reading Final Passage.....	32		Personal Privilege, Senator Nelson.....	1
5603				Personal Privilege, Senator Padden.....	1
	Other Action.....	30		Personal Privilege, Senator Shin.....	7
	Second Reading.....	29, 30		Statement for the Journal, Senator Benton SSB 5202.....	33